

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AARON E. YOUNG,)	CASE NO. 1:19 CV 02823
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
ARAMARK CORRECTIONAL SERVICE LLC and RYAN JAMES,)	ORDER ADOPTING MAGISTRATE
)	JUDGE’S REPORT AND
)	RECOMMENDATION
Defendants.)	

This matter is before the Court on the Report and Recommendation of Magistrate Judge Jennifer Dowdell Armstrong (ECF #67), related to Defendants Aramark Correctional Services LLC’s and Ryan James’ (collectively, “Defendants”) Motion for Summary Judgment (ECF #60) and Plaintiff Aaron E. Young’s Motion for Summary Judgment (ECF #61-2).¹ The Report and Recommendation (ECF #67), issued on March 30, 2023, is hereby ADOPTED by this Court.

On April 13, 2020, Young filed an Amended Complaint (ECF #15) alleging: (1) a state law negligence claim against Defendants for “preparing and serving food under unsanitary conditions, and serving food that was spoiled and not properly cooked”; (2) a “condition of confinement” claim pursuant to the Eighth Amendment to the U.S. Constitution and 42 U.S.C. § 1983, claiming that he became ill each time he ate from certain turquoise trays used by

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On January 9, 2023, Young filed a Motion for Enlargement of Time to File Summary Judgment (ECF #61), along with a Proposed Motion for Summary Judgment (ECF #61-2). The Report and Recommendation included a ruling granting Young’s Motion for Enlargement of Time (ECF #67, PageID #747). Accordingly, the Proposed Motion for Summary Judgment became a substantive part of the Magistrate Judge’s Report and Recommendation.

Defendants to serve food to inmates between January to May/June 2018; and (3) a “custom or policy” claim pursuant to the Eighth Amendment and 42 U.S.C. § 1983 for an alleged custom and policy by Aramark Correctional Services LLC of preparing and serving food to inmates under unsanitary conditions. After numerous procedural and substantive issues were brought before the Court over the course of the following two-and-a-half years, all of which are ably described in Magistrate Judge Armstrong’s Report and Recommendation (ECF #67), Defendants filed a Motion for Summary Judgment on December 14, 2022 (ECF #60). Plaintiff Young thereafter filed a Motion for Summary Judgment (ECF #61-2), effective on March 30, 2023, upon the granting of his Motion for Enlargement of Time to File Summary Judgment (ECF #61) contained in the Magistrate Judge’s Report and Recommendation (ECF #67).

Objections to the Report and Recommendation were due by April 13, 2023 (ECF #67).

No party filed any objections.

The Magistrate Judge recommends that the Court GRANT Defendants’ Motion for Summary Judgment (ECF #60), and that the Court DENY Young’s Motion for Summary Judgment (ECF #61-2).

STANDARD OF REVIEW

The applicable standard of review of a magistrate judge’s report and recommendation depends upon whether objections were made to the report and recommendation. When objections are made to the report and recommendation, the district court reviews the case *de novo*. FED. R. CIV. P. 72(b)(3). When no objection to the report and recommendation is filed, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72 Advisory Committee Notes (citations omitted).


See Thomas v. Arn, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate judge’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”) (on *certiorari* from the Sixth Circuit); *see also Ohio Citizen Action v. City of Seven Hills*, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999) (same).

CONCLUSION

Although no party filed objections to the Report and Recommendation, the Court has carefully reviewed the thoroughly analyzed and well-written Report and Recommendation submitted by Magistrate Judge Armstrong (ECF #67), and the Court agrees with the findings set forth therein. Accordingly, the March 30, 2023 Report and Recommendation (ECF #67) is ADOPTED.

Defendants Aramark Correctional Service LLC’s and Ryan James’ Motion for Summary Judgment (ECF #60) is GRANTED, and Plaintiff Aaron E. Young’s Motion for Summary Judgment (ECF #61-2) is DENIED.

IT IS SO ORDERED.



DONALD C. NUGENT
United States District Judge

DATED: April 25, 2023